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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,953	06/14/2001	Noboru Endo	520.36259CX1	6534
24956	7590	04/19/2006	EXAMINER	
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.			HOM, SHICK C	
1800 DIAGONAL ROAD			ART UNIT	
SUITE 370			PAPER NUMBER	
ALEXANDRIA, VA 22314			2616	

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/879,953

Applicant(s)

ENDO ET AL.

Examiner

Shick C. Hom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 13-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in

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order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over McTiffin (5,359,603) in view of Shimizu (5,452,296).

McTiffin discloses a method of switching packets at a packet switching system, comprising the steps of: allocating a pair of address and a port number to a Virtual Channel Identifier (VCI); and outputting packets whose headers have the address and the port number via a Virtual Connection (VC) corresponding to the VCI when the packet switching system receives the packets, wherein if packet headers have a certain part identical with previously input packets, then the allocated VCI is the same as a VCI allocated to the previously input packets, and wherein if the certain part of the packet headers is different from the previously inputted packets, then the allocated VCI is an idle VCI (see Fig. 2 and col. 2 line 57 to col. 3 line 6 which shows and recites that the VCI being given a global significance whereby it is defined as the particular interface unit for the call, i.e. VCI_x associated with call X,

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clearly anticipate the allocation of a pair of address and port number to the VCI; col. 2 lines 24-29 recite the VCI in the header), and wherein the VC is included in a Virtual Path, and the packets are transmitted, not according to the VCI, but according to a Virtual Path Identifier (VPI) of the Virtual Path in an ATM network (see col. 2 lines 30-39 and 57-64 which recite routing being based on the VPI only and not on the VCI field in the ATM network).

For claims 13-17, McTiffin discloses all the subject matter of the claimed invention with the exception of the switched packets being IP packets having IP address in TCP or UDP protocol, wherein the address is a pair of source IP address and a destination IP address; including information being the port number in TCP or UDP protocol as in claims 13-17.

Shimizu from the same or similar fields of endeavor teach that it is known to provide the switched packets being IP packets having IP address in TCP or UDP protocol, wherein the address is a pair of source IP address and a destination IP address; including information being the port number in TCP or UDP protocol (see Fig. 4 the IP address pair and port number PN at the packet header) as in claims 13-17. Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to switch IP packets having IP

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address in TCP or UDP protocol, wherein the address is a pair of source IP address and a destination IP address; including information being the port number in TCP or UDP protocol as taught by Shimizu in the method of switching packets of McTiffin. The switched packets being IP packets having IP address in TCP or UDP protocol, wherein the address is a pair of source IP address and a destination IP address; including information being the port number in TCP or UDP protocol can be implemented by substituting the IP packets of Shimizu for the ATM cells of McTiffin. The motivation for using the IP packets as taught by Shimizu in the method of switching packet of McTiffin being that it provides the added desirable feature of connection to the Internet.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Srinivasan et al. disclose virtual path management in hierarchical ATM networks.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C.

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Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Seema S. Rao
SEEMA S. RAO 4/17/06
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600